

In The United States District Court

Ronald G. Johnson

v. Petitioner

State OF Delaware,

Supreme Court, of
The State of Delaware,Superior Court of The
State of Delaware

Raphael, William Warden et al.)

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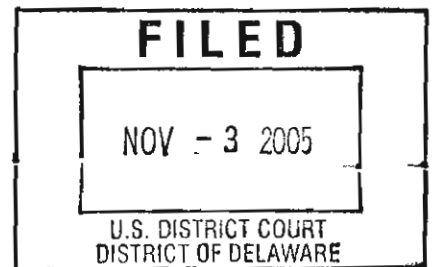
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Civil Action No. 05-258 (KAJ)Writ OF Error And Appeal

Comes Now, the Petitioner Ronald G. Johnson #182421
Held at Howard R. You Correctional Institution, Gander Hill Prison
1301 N. 12th Street Wilmington De. 19809. Mailing Address P.O. Box
9561 Wilmington De 19809 and Move this Honorable Court to Pro-
cess File and Proceed with my Writ OF Error regarding
Case No, 296,2005 Filed in Supreme Court OF State OF Delaware.
In support there of I present the following.

Supreme Court Errors" Statement OF The Case and Facts "

The Supreme Court has made a Errorous Mandate Ruling
and refuse to re Consider or grant ~~re~~ argument or re-
hearing or Writ OF Error I have no other remedy than
Appeal and or Petition this Honorable Court For Writ of Error.

Certified Question

Come Now the Petitioner and Move this Honorable Court
to address the Certified Question this Case No 296,2005 brings.
There is No just way to resolve this Case without Causing a mis-
Carriage of Justice unless You address the Certified Question it
brings. To Clarify the Questions I present the following.

Statement OF The Facts and Case

The Court must visit or revisit two previous Ruling of Delaware Case law. One of it's own See, e.g., Hall v. Carr, 692 A.2d 888, 891 (Del. 1997) Which explains Under State, habeas Corpus is not available for a person Committed or detained on a Felony charge, "the species is plainly and Fully set forth in the Commitment."

The Second is Joy v. Superior Court 298 A.2d 315, 316 (Del. 1972) Which explains a Indictment having been returned Superior Court has jurisdiction over the defendant and the offense.

Fact OF The Case

Though it appears my Writ OF Habeas Corpus case is exactly like the two cases above. ① It appears I was charged by a grand jury and ② I am detained or committed on a Felony But my case is totally different.

In The Joy v. Superior Court Case he argued the same thing I argued. That there was not enough evidence at Preliminary or Probable Cause to bind his case over to Superior Court and to send it to a grand jury. While his Motion to Dismiss the case was pending he was indicted, (same as I was.) He was then arraigned and given a bail or bond.

Status OF Criminal Case # 0504012348

The status of my Criminal Case is it appears I was

Indicted and held on bail or bond, as the two defendants in the Joy v. Superior Court and Hall v. Carr Case,
"Error of Case"

The Difference in my Case than the Case of Carr (and) Hall, Joy

The difference between my Case and the Case of Carr. and of Hall or Joy v. Superior Court 298 A.2d 315, 316 (Del. 1972) is in Joy's Case the defendant was "legally" arrested, and likewise in the Hall v. Carr, 692 A.2d 888 891 (Del. 1997) Case, the defendants was legally arrested.

But there is a difference in my Case then both those Cases. I was not Legally arrested. In Fact I was never arrest at all. I gave my sworn statement and Affidavit OF Declaration to the Facts that clearly show I was not arrested.

In the Joy v. Superior Court Case and the Hall v. Carr Case not one of the defendants made the Claim that they were not arrest or Legally arrested.

"Certified Question (and) Issue For Review."

The Court should reflect back to its Mandate or Judgment Ruling to Affirm the judgement of Superior Court, and the respondent the State's Motion to Affirm and decide and reconsider whether it would have ruled to Affirm IF I or the petitioner was not arrested, Or Legally arrested.
"Error, Different Issue for review and Question"

This Writ of Error brings a different Situation than

the Hall and Carr Case or Hall v. Carr Case as well as the Joy v. Superior Court Case.

" Fact OF The Case "

My case adds more to my advantage than the Case of the Hall v. Carr and Joy v. Superior Court Cases.
"I was not arrested" ① I was brought in this prison by a Howard R. Young Correctional officer of Gander Hill Prison.

② There was no New Castle County police officer who made arrest of me the petitioner

Question Did the Court make a Error By Not Finding out the Facts

I swear and File my Affidavit and Declaration that I was Not arrested. Did the Court make a Error by not Finding out the Facts. Did this Honorable Supreme Court justices make a Error by not ordering a response to the Interrogator Question below

Interrogator Questions

(IF I was Arrested then)

- (a) Who was the arresting officer?
- (b) What Police Station was I taken to?
- (c) Who booked me on these Charges?
- (d) Who took my Finger prints?
- (e) Who took my picture?
- (f) Which magistrate I appeared before?

"Question Presented Would this Honorable Court Rule the Same"

① IF I was illegally brought in this prison and No warrent was Filed, And I was not brought in this prison for the Criminal offense Charged. And no officer press charge but the prosecutor

Proceeded With a warrant she typed, if though a officer had filed them or it (the warrant).

Certified Question

" Would This Honorable Court Ruled the Same If "

If I was illegally brought in this prison by Howard R Young Correctional Institution staff, And not a officer of New Castle County and not for Criminal Charges, Then the prosecutor types a warrant have me subpoenaed to preliminary hearing, presents the warrant as true. The judge of preliminary seeing the invalid fake warrant the prosecutor typed up, The the prosecutor calls officer of New Castle County who has not seen my arrest, Nor was there to testify. His testimony was he did not press any charges Nor did any other officer, That he did not see my arrest. When asked the Court Judge for a valid warrant the Judge, Nor prosecutor could Present a valid one. When I the petitioner ask the prosecutor who was the arresting officer she could not tell me, Nor could the judge.

Fact OF Illegal Detention

At that point above was I legally detained ?

After the Preliminary Hearing on April 22, 2005 the Judge ruled or Denied my Motion to Dismiss, not knowing who the arresting officer was, Nor being able to present a valid warrant, Her Nor the State prosecutor. I was later indicted, Question does a indictment make those errors of me being illegally detain valid ?

Conclusion

Having Identified the different between my Case and the two Cases the prosecutor used to get this Court to Affirm the Superior Court Judgment, Would this Court decide to Affirm ? Yes a Indictment was File but it was obtain by illegal Conduct and Fraud, Conclusion the Court Should order a answer to the Interrogatory Questions it will Prove if I was Indeed illegally arrested or not. Anything less is a miscarriage of Justice Oath and Affidavit I Declare all is true under perjury October 1, 2005 Ronald Salinas

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